

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

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JUDITH B. WOHLERS,  
Plaintiff,

CASE NO. 8:15-cv-148

v.

**NOTICE OF REMOVAL**

WAL-MART STORES, INC.,  
Defendant.

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Defendant, Wal-Mart Stores, Inc. ("Wal-Mart"), hereby gives notice of the removal of the above-captioned action from the District Court of Dodge County, Nebraska, Case No. 15-143, to the United States District Court for the District of Nebraska. In support of this notice, Defendant states as follows:

1. Wal-Mart removes this action to Federal Court based upon diversity of citizenship jurisdiction.

2. Plaintiff filed the above-captioned civil action on March 24, 2015, in the District Court of Dodge County, Nebraska, and served Wal-Mart with the Complaint on March 30, 2015. Therefore, Wal-Mart has timely removed this matter. This action is wholly civil in nature. The United States District Court for the District of Nebraska has original jurisdiction under 28 U.S.C. § 1332, and Wal-Mart may remove the action pursuant to 28 U.S.C. § 1441.

3. This Court has diversity of citizenship jurisdiction over this matter because the controversy is between citizens of different states and the matter in controversy exceeds \$75,000.00 exclusive of interest and costs. Plaintiff is a citizen of Nebraska,

while Defendant is a Delaware corporation with its principal place of business in Bentonville, Arkansas.

4. Specifically, Plaintiff alleges that "Plaintiff. . . at all relevant times . . . was a resident of Fremont, Dodge County, Nebraska." (Exhibit A, Complaint ¶1). Accordingly, Plaintiff is a citizen of Nebraska. Defendant, Wal-Mart Stores, Inc., has its principal place of business in Bentonville, Arkansas and is a Delaware Corporation. Therefore it is a citizen of a state other than Nebraska. (Exhibit C, Affidavit of George E. Martin III, at ¶2).

5. The matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs. Plaintiff's Complaint states she has "incurred medical expenses to date in the amount of \$103,000.34 and may incur additional expenses in the future which are unknown at this time." (Exhibit A, Complaint ¶8). Plaintiff expressly seeks damages "as follows: special damages for medical bills in the sum of \$103,000.34 to date, together with all future special damages; general damages including, but not limited to, Plaintiff's pain, suffering, and any other general damages allowed by law...." (Exhibit A, Complaint, at p. 3). Accordingly, the amount in controversy exceeds \$75,000, exclusive of interests and costs. 28 U.S.C. § 1446(c)(2)(A).

6. Wal-Mart files this Notice of Removal pursuant to 28 U.S.C. § 1446 within 30 days of service of the Complaint on or about March 30, 2015.

7. Wal-Mart expressly reserves all defenses to Plaintiff's claims, including, but not limited to, all defenses based in law, equity, statute, constitution, jurisdiction, or immunity, any other defense or avoidance, and does not waive any defense by this removal.

8. Attached as Exhibit "A" and incorporated by reference is a true and correct copy of the state court pleadings served upon Defendant and removed by this notice.

9. Attached as Exhibit "B" is a true and correct copy of the Notice of Filing of Notice of Removal which has been served with this document on all parties and will be filed with the District Court of Dodge County, Nebraska.

10. Attached as Exhibit "C" is the Affidavit of George E. Martin, III, with Exhibit 1, the corporation documentation, attached thereto.

11. Attached as Exhibit "D" is a true and correct copy of all filings known to Defendant in the District Court of Dodge County, Nebraska. To Defendant's knowledge, no other pleadings or papers have been filed with such court.

12. Defendant requests trial of this matter in Omaha, Nebraska.

WHEREFORE, Wal-Mart notifies the Court of the removal of this action from the District Court of Dodge County, Nebraska to the United States District Court for the District of Nebraska.

Dated this 29th day of April, 2015.

WAL-MART STORES, INC., Defendant.

By: s/George E. Martin III  
George E. Martin III (NE# 21747)  
BAIRD HOLM LLP  
1700 Farnam St, Ste 1500  
Omaha, NE 68102-2068  
Phone: 402-344-0500  
Facsimile: 402-344-0588  
E-mail: [gmartin@bairdholm.com](mailto:gmartin@bairdholm.com)  
ATTORNEYS FOR WAL-MART

### **CERTIFICATE OF SERVICE**

I hereby certify that on April 29, 2015, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

Bradley E. Nick, Esq.

and I hereby certify that I have mailed by United States Postal Service, postage prepaid, this document to the following non CM/ECF participants:

None.

s/George E. Martin III

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